

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-19 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2004/0237104 to Cooper et al. ("Cooper").

Applicants have amended claims 1-19 and added claim 20. Claims 1-20 are pending in this application.

Applicants respectfully traverse the rejection of claims 1-19 under 35 U.S.C. § 102(e). *Cooper* is not prior art against this application. *Cooper* is not prior art under 35 U.S.C. §§ 102(a) or 102(b) because *Cooper* has a publication date of November 25, 2004.

*Cooper* claims priority to Provisional Application No. 60/337,473, filed on November 10, 2001. Applicants respectfully point out that the *Cooper* disclosure relied upon by the Examiner in making the instant rejection is not present in the provisional application filed on November 10, 2001. Applicants have included a copy of Provisional Application No. 60/337,473 for the Examiner's convenience. Therefore, *Cooper* has an effective filing date no earlier than November 8, 2002.

This application is the U.S. National Stage of International Application No. PCT/JP03/08141, under 35 U.S.C. § 371, filed June 26, 2003, and claims priority to Japanese Application 2002-197683, filed July 5, 2002. In support of this priority claim, Applicants submit an English translation of Japanese Application 2002-197683 along

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Customer No. 22,852  
Application No. 10/520,356  
Attorney Docket No. 09812.0358-00

with a statement of accurate translation. Cooper cannot be relied upon in the § 102(e) rejection. See MPEP 2136.03. Therefore, Applicants request that the Examiner withdraw the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated *Cooper.*

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

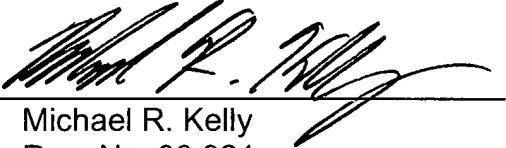
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 29, 2008

By:

  
Michael R. Kelly  
Reg. No. 33,921